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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement submitted by the International Federation of Human Rights Leagues a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 March 1998]

GE.98-11160 (E)

1. The International Federation of Human Rights Leagues (FIDH) and its Palestinian member organizations, the Palestinian Society for the Protection of Human Rights and the Environment (LAW) and the Palestinian Centre for Human Rights, hereby wish to examine the question of international human rights instruments violations by Israel towards the Palestinian population in the Palestinian occupied territories and show how these violations have seriously undermined the peace process in 1997. Although the Israeli army has redeployed from parts of the West Bank and the Gaza Strip, it is still an occupying Power, and is still obliged to implement the provisions of the Fourth Geneva Convention of 1949. Consequently, Israel is still accountable for human rights violations in the occupied territories. In 1997, Israel repeatedly violated the Fourth Geneva Convention and other human rights treaty obligations when these human rights have conflicted with its military and political objectives; human rights violations have actually increased, leaving the Palestinian National Authority helpless to impede them, and the international community unable or unwilling to determinedly intervene.

Human rights violations related to Israeli territorial ambitions

2. Israeli human rights violations in the occupied territories have followed a pattern which conforms to Israel's earlier territorial ambitions: Israel appears to be seeking to predetermine the outcome of the peace process.

3. Jerusalem. Israel continues to occupy the East and Old City of Jerusalem. As an occupier, Israel violates international law, by its attempts to formalize its occupation, and particularly by its attempt to remove and replace the Palestinian population with Israeli colonizers. Three hundred and fifty-eight Palestinians have had their identity cards or residency rights removed in 1997. Israel continues to confiscate the property of Palestinians living in Jerusalem, both directly, or by supporting and protecting the Israeli extremist colonizers that have evicted them. Palestinians are also denied permits to build in Jerusalem, causing immense overcrowding, and consequent health and social problems. Israeli taxes are applied unjustly to Palestinians who have to pay the same taxes as people living in West Jerusalem, even though income levels in East Jerusalem are much lower. Even though they pay as much in taxes, Palestinians in East Jerusalem do not receive as many municipal services as residents of West Jerusalem. Israel has also closed down Palestinian institutions in East Jerusalem, claiming that they are in violation of the peace agreements; the presumable aim of this action is to undermine Palestinian presence in Jerusalem.

4. Settlements and house demolitions. The Israeli Government has continued to expand and build new settlements in the occupied Palestinian territories. These settlements have roads, infrastructure and military installations that protect and service them. They are built by expropriating Palestinian land and destroying family homes. During 1997, almost 25,000 dunums of land (one dunum = 100 square metres) have been confiscated from Palestinians for settlements: 4,951 dunums for construction of bypass roads, 723 dunums for new settlements, 14,784 for expansion of settlements, and 4,480 for industrial settlements. Israel continued to demolish houses as a means of collective punishment and/or as a prelude to settlement- or infrastructure-building. Between 30 July and 30 November 1997 a total of 72 homes were destroyed in the West Bank including Jerusalem. The Government of Israel claims that the confiscation of land and the demolition of houses are done for security reasons. The Government also justifies housing demolition on the grounds that

the Palestinian owners did not obtain building permits; however, such permits are almost systematically denied to Palestinians. On 18 August 1997, the Committee on the Elimination of Racial Discrimination adopted a statement on Israel, in which it confirmed its view that the Israeli settlements in the occupied territories were not only illegal under international law but also an obstacle to peace and the enjoyment of human rights by the whole population in the region.

Economic and social rights violations: the closures

5. In 1997, Israel imposed strict closures on the West Bank and the Gaza Strip, arbitrarily and without regard to the human consequences. Closure measures include very serious restrictions on the movement of individuals and goods to and from the West Bank and the Gaza Strip. This has resulted in the deprivation of work for thousands of Palestinian workers; the unemployment level has jumped to nearly 50 per cent, and the closure has contributed to worsened economic conditions in the occupied territories. In Gaza alone, over 1,200 students have been prohibited from continuing their studies at West Bank universities. People requiring medical treatment in Israel and elsewhere are not allowed to leave the occupied territories to receive treatment. Goods are not allowed to pass freely between the West Bank, Jerusalem and Gaza, nor can they be exported. Even the elected members of the Palestine Legislative Council have been subjected to restrictions on movement to and from Gaza and the West Bank. Israel's action impedes any normal existence within the autonomous areas and perpetuates the dependency of the Palestinians on Israel. As a means of improving security, the closures have proven ineffective and in fact have created an even more fertile environment for Palestinian unrest. In its statement of 18 August 1997, the Committee on the Elimination of Racial Discrimination condemned the closure and the withholding from the Palestinian Authority of taxes collected on its behalf because these measures amounted to collective punishment contrary to article 33 of the Fourth Geneva Convention.

Violations of the right to life, liberty and security of person, and to the right to physical integrity

6. Lethal force. Israel continues to use lethal force against Palestinians. In 1997, 20 people, including children, were killed by Israeli security forces. Settlers are also armed, and act with impunity.

7. Arrest and detention. Israel continues to arrest Palestinians. On approximately five occasions in 1997, Israeli forces entered areas of exclusive Palestinian control (Area A) in the West Bank to try to arrest suspects. Once under arrest, detainees are frequently denied access to lawyers; Gazan lawyers specifically are routinely denied permission to meet with clients. Only after an extended period of detention are legal safeguards upheld. The military court system continues to operate in a manner contrary to standards set out in the International Covenant on Civil and Political Rights. Moreover, during military court trials, the burden of proof is placed on the defendant. These facts seriously undermine the integrity of the military court's system of justice. Israel continues to imprison Palestinians in Israeli jails, contrary to the provisions of the Fourth Geneva Conventions. There are presently 3,547 political prisoners and 572 administrative detainees held by Israel in substandard conditions. Some of the administrative detainees have been imprisoned without trial or formal charges for the last five years.

8. Torture. Israel is the only country in the world where torture has been de facto legalized. In 1997, Israel was found to be in breach of the Convention against Torture, in that its interrogation practices, legalized under the Landau Rules, constituted torture. The Committee against Torture rejected Israel's claim that it had special security concerns that should permit the use of such "interrogation methods". The Committee concluded that even seeking to make the argument was improper. Israel has not reconsidered its view, and the use of torture continues.

Israel's role in human rights violations in the Autonomous Areas

9. In the name of security, Israel puts enormous pressure on the Palestinian Authority to undertake actions that violate principles of international law. In particular, the State Security Court was established in order to appease Israeli demands for swift incarceration of those it considers to be security risks to Israel. The functioning of the Court, which fails to meet the standards of fair trial and due process, has undermined the role and independence of the judiciary and has corrupted the rule of law.

10. Israel is contravening its treaty obligations by pressuring the Palestinian Authority to arrest pre-set numbers of people; such demands invariably lead to arbitrary arrests, done in order to appease an external Power. In the past, Israel has made arrest of specific numbers of Palestinians a precondition for it to carry out its Oslo obligations towards the occupied territories. As a result, the Palestinian Authority has conducted large-scale campaigns of arbitrary arrest and detention without legal safeguards and using ill-treatment. As well, in 1997, the Palestinian Authority bowed to Israeli pressure and closed a number of Israeli-specified social and welfare organizations in the Gaza Strip (Israel claimed that some of their members posed a security risk). These organizations had provided much-needed aid and assistance to the poorest and most vulnerable families in Gaza. The impact of Israel's action, and those of the Palestinian Authority in response to pressure from Israel, is a marked decrease in popular Palestinian support for the peace process and for the Palestinian Authority.

Israeli security and international action

11. The international community has failed to support Palestinian rights and has acted without determination where Israel has violated human rights. Western States, in particular, have done so in the false belief that Israeli practices will change when its security situation has improved. By remaining silent and by not acting, it has allowed Israel to continue to perpetrate many serious human rights violations with impunity. Nothing could increase the risk to Israel's security more than this. It is incumbent on the Commission on Human Rights to take a firm and definitive stand on the range of human rights violations being perpetrated by Israel. It should call on the international community to undertake steps to bring about Israeli Government compliance with its international human rights obligations.